

# BOARD OF CODE STANDARDS AND APPEALS

## MINUTES

January 9, 2006

**Members:** Francisco Banuelos, Randy Coonrod, Randy Harder, Richard Hartwell, Bernie Hentzen, Gerald Herzberg, Ed Murabito, Warren Willenberg, John Youle

**Present:** Banuelos, Hartwell, Hentzen, Herzberg, Murabito, Willenberg, Youle

**Staff Members Present:** Kurt Schroeder, Deb Legge, Darlene Hultman, Elaine Hammons

The regular meeting of the Board of Code Standards and Appeals was called to order by Chairman Murabito on Monday, January 9, 2006, at 1:36 p.m. in the 1st floor Board Room, City Hall, 455 N. Main, Wichita, Kansas.

### 1. Approval of the Minutes of the December 5, 2005, meeting.

A motion was made by Board Member Hartwell to approve the minutes of the December 5, 2005, meeting as submitted. The motion was seconded by Board Member Hentzen. The motion carried, unopposed.

### 2. Approval of the Board of Code Standards and Appeals' Annual Report to the City Council.

A motion was made Board Member Youle to approve the annual report to the City Council as submitted. The motion was seconded by Board Member Banuelos. The motion was approved.

### 3. Approval of the January, 2006, license examination application as follows:

<u>Name</u>	<u>Class</u>	<u>Test Date</u>
Eric Jason Martinez	Roofing & Siding	January, 2006

Board Member Hentzen made a motion to approve the application for testing. The motion was seconded by Board Member Willenberg. The motion passed unopposed.

### 4. Condemnation Hearings

There were no cases for the January, 2006, hearing.

**5. Appeal hearing regarding the installation of the roof at 2222 E. 2<sup>nd</sup> by Ed Glover d/b/a Glover Enterprises, Inc.**

Ms. Ruby Eubanks petitioned the Board to intervene in her behalf on the installation of a roof that she alleged was improperly installed at her property at 2222 E. 2<sup>nd</sup>; the work was done by Ed Glover d/b/a Glover Enterprises, Inc. Darlene Hultman, Interim Building Inspector Supervisor, was also present to request a review of the license of Ed Glover.

In her complaint, Ms. Eubanks explained that she had asked Mr. Glover to correct the problems occurring with the roof installation. Since she was unable to get a satisfactory response from Mr. Glover or his representative, Ms. Eubanks contacted Central Inspection and requested an inspection on the roof.

On September 27, 2005, Ms. Hultman made an on-site inspection at 2222 E. 2<sup>nd</sup> and found that there were code violations; Ms. Hultman provided the Board with the pictures that were taken of the roof installation. The photos clearly showed that the flashing and the drip edge were improperly installed; there were also exposed nails.

Ms. Hultman told the Board that she had contacted Mr. Glover by phone on September 29, 2005, and followed up the conversation with a certified letter dated September 29, 2005, that explained what items needed to be corrected. In another certified letter dated October 12, 2005, Ms. Hultman again requested that the violations at 2222 E. 2<sup>nd</sup> be corrected and also told Mr. Glover that she would like to arrange to meet him at the property to go over the issues that she found to be in violation. Since there had been no response to her letters, Ms. Hultman sent another certified letter dated November 4, 2005, instructing Mr. Glover to have the repairs completed no later than November 15, 2005. Again, Ms. Hultman received no response from Mr. Glover or his representative.

Board Member Hartwell asked Mr. Schroeder what action the Board could legally consider against Mr. Glover's contractor's license. Mr. Schroeder informed the Board that it could consider placing Mr. Glover on probation for a specified period of time, or temporarily suspend or permanently revoke the license if the holder thereof is found in violation of one or more of the items specified in Title 18.

A motion was made by Board Member Youle that Mr. Glover's license be placed on probation for thirty days, and that Mr. Glover should be directed to correct the violations. If the corrections are not made within that time period, or if there should be no response from Mr. Glover or his representative, then the license should be suspended and Mr. Glover will be summoned to appear before the Board at the February, 2006, regular hearing. Board Member Hartwell seconded the motion.

Before taking a vote on the motion, Chairman Murabito offered Ms. Eubanks the opportunity to speak to the Board. Ms. Eubanks told the Board that she and Mr. Glover had signed a contract in August of 2005 for the roofing installation at 2222

E. 2<sup>nd</sup>. After Mr. Glover commenced the work at her property, there was a large open area on the roof over which he placed some type of covering. The covering did not prevent rain from leaking into the structure; due to the water damage, the ceiling of the garage collapsed. According to Ms. Eubanks, she contacted Mr. Glover and told him what had happened. She said that Mr. Glover promised her that he would repair the damage; however, he has failed to make any attempts to follow through with the repairs. Ms. Eubanks expressed doubt that Mr. Glover would return to take care of the damages.

Board Member Hartwell asked Ms. Eubanks if she had heard from Mr. Glover regarding the violations that Ms. Hultman had noted on the roof installation. Ms. Eubanks responded that not only had she not received any communication from Mr. Glover, but that he had refused to speak with her regarding the job.

Board Member Herzberg asked if Mr. Glover had ever been before the Board in a similar action prior to the current appeal. Mr. Schroeder confirmed that Mr. Glover had been brought before the Board in the past and had met the requirements on that particular issue that the Board had set forth at that time.

Board Member Hentzen questioned whether the roof should be removed down to the decking. Ms. Hultman indicated that tearing the shingles off to the decking would not be necessary in order to correct the existing violations.

Board Member Youle revised his earlier motion to include possible revocation of Mr. Glover's license if he fails to respond to the Board's direction to correct the code violations within the thirty-day time frame. The revised motion was seconded by Board Member Herzberg. The motion passed, unopposed.

As an off-agenda item, Mr. Schroeder gave a brief update on the International Existing Building Code ordinance amendment package. He informed the Board that the proposed amendments had been presented to BOMA and the Construction SPEC Institute as well as to Kansas System Builders. Additionally, a presentation will be given to the commercial building committee with the Wichita Area Builders Association on January 24, 2006. Mr. Schroeder said that he had received positive feedback for the most part regarding the amendment package.

With no other business to conduct, Board Member Hentzen made a motion to adjourn. The motion was seconded by Board Member Youle. The motion carried unanimously.

The meeting was adjourned at 2:09 p.m.